

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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SHLOMO GAVEY,

Civ. File No. 08 CV 3000

Plaintiff,

-against-

**AMENDED  
REPLY**

ISRAEL GOLDBERG, ISRAEL GOLDBERG  
PLLC, GOLDBERG & RIMBERG  
COUNSELORS AT LAW PLLC, GOLDBERG,  
RIMBERG & FRIEDLANDER, PLLC,

Defendants.  
-----X

Plaintiff Shlomo Gavey, by his attorney, Nathan M. Ferst, as and for his Reply to the Counterclaims of Defendants:

1. Denies the allegations contained in paragraphs numbered and designated 64, 68, 75, 79, 82, 83, 84, 85, 86, 87, 88, 98, 100, 101, 102, 103, 104, 110, 111, 112, 113, 114, 116, 120, 121, 123, 125, 126, 128, 129, 130, 131, 132, 133, 134, 141, 143, 144, 149, 150, 151, 178, 52, 154, 155, 156, 157, 159, 162, 163, 164, 165, 166, 167, 169, 171, 172, 173, 174, 176, 177, 178, 178 [sic], 179 and 180 of the Answer.

2. Denies knowledge or information sufficient to form a belief as to the allegations contained in Paragraphs 73, 78, 81 (which call for a conclusion of law), 89, 94 (which calls for a conclusion of law), 95, 96, 105, 106, 108, 115, 117, 122, 124, 127 (which calls for a conclusion of law), 135, 136, 137, 138, 139, 158, 160, 168, and 175 of the Answer.

3. Admits the allegations contained in Paragraph 66 of the Answer, except denies that said shares of stock were escrowed with Plaintiff's lawyer.

4. Admits the allegations contained in Paragraph 69 of the Answer but respectfully refers the Court to public records concerning the date of such filing.

5. Denies the allegations contained in Paragraph 77 of the Answer, except admits that Professor David is, in addition to being admitted to practice before the State and Federal Courts in New York, is also admitted to practice before the State and Federal Courts in Connecticut where he resides; upon retirement from the active practice of law and teaching of law, to the extent that he practices, Professor David does so in Connecticut and uses the office of Nathan M. Ferst in New York as a convenience address.

6. Denies the allegations contained in Paragraph 99 of the Answer, except admits that prior to Defendants being retained Plaintiff did not execute said judgment on 327 Beach 144<sup>th</sup> Street.

7. Denies the allegations contained in Paragraph 119 of the Answer, except admits that said lawyer commenced representing Plaintiff in or about 1998.

8. Denies the allegations contained in Paragraph 140 of the Answer, except admits that Avram Indurski and Plaintiff each made trips to New York and met with Defendants concerning the legal representation of Plaintiff.

9. Denies the allegations contained in Paragraph 142 of the Answer, except admits that Plaintiff told Defendants that Plaintiff had been represented by Nathan M. Ferst from time to time in the past.

10. Objects to and thus denies the allegations contained in Paragraph 161 of the Answer as infringing upon the Attorney Client Privilege.

AS FOR A FIRST AFFIRMATIVE DEFENSE

11. Defendants fail to state a counterclaim upon which relief may be granted.

AS FOR A SECOND AFFIRMATIVE DEFENSE

12. Defendants' counterclaims are barred by laches, waiver and estoppel.

AS FOR A THIRD AFFIRMATIVE DEFENSE

13. Defendants' counterclaims are barred by the Statute of Limitations.

AS FOR A FOURTH AFFIRMATIVE DEFENSE

14. Defendants failed to mitigate their damages.

AS FOR A FIFTH AFFIRMATIVE DEFENSE

15. Defendants have failed to plead their defenses and counterclaims, including, without limitation, fraud, with requisite specificity.

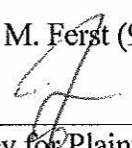
AS FOR A SIXTH AFFIRMATIVE DEFENSE

16. Defendants were discharged for cause and are not entitled to monies or any other compensation or recovery from Plaintiff.

WHEREFORE, Plaintiff Shlomo Gavey prays this Court for judgment dismissing the Answer with Counterclaims of Defendants, awarding Plaintiff relief on his claims, and awarding Plaintiff his costs and disbursements of this action.

Dated: New York, New York  
June 23, 2008

Nathan M. Ferst (9655)

By:   
Attorney for Plaintiff Shlomo Gavey  
350 Fifth Avenue, Suite 1000  
New York, New York 10118  
(212) 683-8055

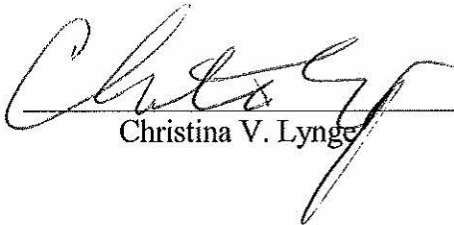
STATE OF NEW YORK     )  
                                          ) ss.  
COUNTY OF NEW YORK    )

Christina V. Lyngé, being duly sworn, says: I am not a party to the action, am over 18 years of age and reside in Brewster, New York

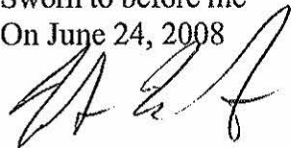
On June 24, 2008, I served the within Amended Reply upon:

Andrew Seth Kowlowitz, Esq.  
Furman Kornfeld & Brennan LLP  
Attorneys for Defendants  
545 Fifth Avenue, Suite 401  
New York, New York 10017  
(212) 867-4100

the address designated for said purpose by depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the United States Postal Service in the State of New York.

  
Christina V. Lyngé

Sworn to before me  
On June 24, 2008



NATHAN M. FERST  
Notary Public, State of New York  
No. 02FE4946970  
Qualified in New York County  
Commission Expires February 6, 2011

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Plaintiff,

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ISRAEL GOLDBERG, ISRAEL GOLDBERG  
PLLC, GOLDBERG & RIMBERG  
COUNSELORS AT LAW PLLC, GOLDBERG,  
RIMBERG & FRIEDLANDER, PLLC,

Defendant.

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**AMENDED REPLY**

NATHAN M. FERST  
ATTORNEY FOR PLAINTIFF

By:   
NATHAN M. FERST NMF9655  
350 FIFTH AVENUE, SUITE 1000  
NEW YORK, NEW YORK 10118  
(212) 683-8055